

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MARCH 18, 2002

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap, Jr. Building Classroom, located in Pittsboro, North Carolina, at 4:00 PM on March 18, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Chairman called the meeting to order at 4:02 PM.

Work Session Agenda

1. **Community Cemetery**
2. **Budget Update**
3. **Buffers**
4. **Heritage Point H2O**
5. **Board/Counsel Time**

COMMUNITY CEMETERY

Mr. Richard Taylor spoke with the Board with regard to cleaning up the cemetery known as The Pittsboro Colored Cemetery, an unincorporated association by Trustees of Mt. Sinai AME Church, Trustees of First Baptist Missionary Church, and Trustees of Stanton Memorial Church, serving jointly as Trustees of the Pittsboro Community Cemetery. He stated that the association would like to clean up a portion of land that the County owns adjacent to the cemetery; that after the affects of Hurricane Fran in September, 1996, fallen trees and debris were lying across grave sites which needed to be cleaned.

Commissioner Givens moved, seconded by Commissioner Pollard, to offer to the Trustees of the Pittsboro Community Cemetery, the right, by way of a lease in the amount of \$1.00 per year, to come onto the property to clean, tend, and care for aforementioned property, with the County Attorney to prepare a legal draft. The motion carried five (5) to zero (0).

Chairman Phillips donated the first year’s lease in the amount of \$1.00 to Mr. Taylor.

BUDGET UPDATE

Assistant County Manger, Paul Spruill, gave an update on the County FY2002 budgeted revenues and

discussed it in terms of what was presented at the Board Retreat as follows:

Projected property taxes-current year	Will exceed by \$1.05 million
Property tax-prior year	Will exceed by \$20,000
Sales tax (worst case)	Will fall below by \$260,000
Reimbursements	Will fall below by \$345,000

He also updated the 2003 "status quo" budget exercise discussed at the retreat. As a result of the Governor's threat to withhold all reimbursements, the "status quo" deficit now measures \$5.29 million assuming no appropriation from fund balance, no tax increase, and minimal funds going unspent in the current year budget. A copy of the attachment is attached hereto and by reference made a part hereof.

School Budget:

After considerable discussion regarding the school budget, Commissioner Givens stated that he felt that the schools should be asked to look for ways to cut their budget, in the same way that the Board of Commissioners has done with freezing County positions; that there are a lot of administrative areas that could do with a lot less; that he was suggesting that some of the leaders be returned to the classrooms and maintenance on the buildings done.

The County Manager asked for the Board's clarification of Category I and Category II projects.

The Assistant County Manager explained the categories as follows:

- Category I projects are maintenance projects on facilities.
- Category II & III are vehicle maintenance and purchase of furniture and equipment (computers)

Chairman Phillips stated that he would like to talk with school administration, along with a staff person, to resolve this matter.

The County Manager stated that staff was unclear as to whether, when the Board approved the money for the schools, the funds were approved only for Category I or for all capital projects listed by the schools; that staff's belief was that it was for Category I only.

Commissioner Pollard moved to allocate the amount included only in Category I projects.

After checking the minutes of the October 15, 2001 Board of Commissioners' minutes, the motion reflected no distinction of capital projects; therefore, the entire amount will be forwarded to Board of Education.

After further discussion, the motion died for lack of a second.

HERITAGE POINT

Ron Singleton, Public Works Director, stated that there was a distance of approximately 7,900 feet from Wilsonville crossroads to the entrance of Heritage Point; that County policy states that "Water service shall be determined to be available to a new customer if any portion of the parcel to be developed lies within the following maximum distance."; that that means the closest point of the parcel which measures 6,800 feet; that if going strictly by the policy in place, the County could require Heritage Point to extend the water line to

hook up; that he talked with Mr. O'Neal and his father the previous week and even though the policy is there, running an 8" line 6,800 feet would cost \$248,600; that this might be on the conservative side; that another option discussed with the O'Neals was the possibility of developer reimbursement, whereby the developer would fund the construction and be reimbursed 75% of any availability fee which would come about because of construction of the line; that it would include their development of Heritage Point and any other properties between Wilsonville and their property; that he would recommend that this be for a five-year period.

Keith Megginson reviewed other properties in close proximity.

Steve O'Neal stated that they were interested in County water; that they were still trying to figure out how many lots they have; and that they would like to proceed with preliminary plans for it.

The Chairman reiterated that he thought it was consensus of the Board to extend water lines whenever possible and require development to use community water rather than wells at this point in Chatham County.

BUFFERS

Keith Megginson, Planning Director, stated that the Planning Board was still addressing the stream buffers as related to the Cary/Apex Water Agreement; that a person from the Division of Water Quality has been scheduled to come and speak about State rules, but that the meeting had been postponed for other issues such as Briar Chapel and non-conforming use issues.

The Planning Director further stated that he had looked at the Wake County web site and their buffer requirements and that the County has design guidelines adopted by the Planning Board that developers presently follow; that there were numerous issues related to buffers concerning ownership and maintenance and that the Planning Board would discuss them in the future.

The Chairman stated that he was aware that almost every major subdivision that comes up brings with it a lot of new questions; that he would like for the Board to determine a way to be proactive to begin filling in the details of the Land Use Plan so that as important issues arise, the Board has the plan to fall back on; that the plan has an excellent chapter on compact communities that says what the Board wishes to see but that the Board has not gone to the next step which is making the design guidelines and appearance standards and other standards for compact communities so that it could be used to evaluate new compact communities; that the County is about to see on Highways #64 and #15-501, an explosion of projects, commercial, light industrial, residential and office; that the Board has not yet completed planning for design guidelines for commercial nor chosen what the commercial nodes should be; that he is afraid that the Board might end up exactly where it does not want to be which is like Highway #15-501 between Chapel Hill and Durham in both directions coming into the County; and that because those are the major transportation corridors, it deeply affects what can be done in other parts of the County if those two areas are allowed to be clogged up. He stated that he felt that the Board may wish to start involving the Strategic Planning Team again; that the Planning Board is reacting out of necessity due to the time lines placed upon them; and that he would like for the Board to choose a buffer that seems good and look at it from that perspective.

Commissioner Atwater stated that he felt that design standards for compact communities is such an important issue; that it is not a matter of whether the County is going to have them, but a matter of how soon the County is going to have them and how good they are going to be; that the County has a situation now where the developer, through no fault of their own, sends what they want to send in that regard; that the Board simply has to react to it; that he feels that priorities need to be established for the Strategic Planning Team and what areas need to have standards first; that the Board needs to initially steer clear of it and then react to it after it goes from the Strategic Planning Team through the Planning Board to the Board of Commissioners.

The County Manager urged the Board to take it one step further and give some consideration to help foster the process by looking at the process in the very near future and prioritizing what the Board wants done first by charging the Strategic Planning Team but also give consideration to some expertise to staff it to get it done as quickly as possible and return it to the Board; that the Board is now having to apply the idea against an idea the developer has for what the Board is talking about; that the developer is going on his best guess and the Board is looking at as responding to an idea but not yet having the specificity of how the design will look; that when it comes to limited staffing, he feels that hiring some folks may give some expediting to the process.

BOARD/COUNSEL TIME

Bob Gunn, County Attorney, recommended that the following language be removed from the Planning Board's proposal, "in the opinion of the Commissioners". He also recommended using Chapter 16 of the Zoning Ordinance for future approval of expansion of non-conforming uses stating that if it was done under Chapter 17 using the legislative powers, it would not stand up to a court challenge.

George Lucier, Planning Board member, stated that the big use between Chapter 15 and Chapter 17 relates to the uses; that for a conditional use permit, the use is exclusively permitted subject to certain conditions being met; that for the non-conforming uses, they are not permitted; that he does not see why the legislative authority can't work here because they are explicitly not permitted; that he thinks wording it "in the opinion of" is alright to do; that it doesn't preclude one from using fact on which to base an opinion; and that the quasi-judicial will only increase the chance of legal action and vulnerability against the Board.

After further discussion, the County Attorney stated that he felt that if the Board tried to do it under legislative powers, every case will be lost.

RECESS

Commissioner Givens moved, seconded by Commissioner Outz, that the meeting be recessed to the regularly scheduled Board of Commissioners' meeting in the Superior Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 6:30 PM.

Gary Phillips, Chairman

ATTEST:

Sandra B. Sublett, Clerk to the Board
Chatham County Board of Commissioners